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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/575,008

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EXAMINER

STORMER, RUSSELL D

ART UNIT

PAPER NUMBER

3617

MAIL DATE

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/575,008	Applicant(s) VANETTA, ALDO	
	Examiner Russell D. Stormer	Art Unit 3617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 April 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____. |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date ____. | 6) <input type="checkbox"/> Other: ____. |

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the tire pressure monitoring system and the sensor element of claims 9, 11, 12, 28, 30, and 31 must be shown or the feature(s) canceled from the claim(s).

No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

The abstract of the disclosure is objected to because of the use of the legal term "said." Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 3, 13, 22-26, 28, 30, 31, and 32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

In each of claims 3, 7, 22, 23, and 26, the term "via" is objected to as being indefinite. The term "via" does not describe any structural relationship between the elements of the claims.

Claims 13 and 32 depend from claims which recite a sensor element of a tire pressure monitoring system, but claims 13 and 32 further limit the sensor element to having no function and being a dummy. This is in effect a negative limitation because the sensor is claimed and then not claimed, thereby rendering the claims indefinite.

In each of claims 22, 23, 24, 25, 26, 28, 30, and 31, the term "it is" is indefinite as it does not positively recite the element that is being further limited and it is not clear which element is referred by the word "it."

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-8, 20-30, and 32 are rejected under 35 U.S.C. 102(b) as being anticipated by Ash (U.S. Patent 1833879).

Ash (cited by Applicant) discloses a balancing element for a tire and wheel assembly comprising a plurality of weights arranged around a wheel rim. A valve stem **B** is provided on the wheel rim and includes a weight device comprising a clip connection 27 and weights 28 as shown in figure 8. The clip connection 27 fastens the weights and the valve stem in the bore.

With respect to claim 20, lines 71-79, and 80-86 of page 1 and 110-111 of page, at least, Ash describes the balancing element as counterbalancing the tire and/or the wheel, it is clear that Ash is concerned with counterbalancing the tire and wheel assembly, and that the tire would have a predetermined magnitude of imbalance, and a predetermined target value in order to be balanced within a tolerance. Therefore Ash teaches the method limitations of claim 20.

With respect to claims 4 and 23, the nuts 28 can be considered to be "hollow-core screws" as broadly recited in the claims.

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With respect to claims 28-30, the area of the valve stem of Ash is adapted to or is capable of being attached to or accommodating a sensor element of a tire pressure monitoring system.

With respect to claim 32, the housing or clip connection can be considered to be a dummy sensor inasmuch as neither is capable of performing a sensing function.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 9-11 and 13-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ash.

Ash meets all of the limitations of claims 1-8, 20-30, and 32 as set forth above, and is further applied as follows:

The housing 28 of Ash is capable of receiving or functioning with a sensor and a tire pressure monitoring unit. Since it well-known to provide a wheel assembly with a tire pressure monitoring unit in order to check the tire pressure, or as part of a central tire inflation system, it would have been obvious to those of ordinary skill in the art to provide such a system for the wheel assembly of Ash in order to monitor the inflation of the tires. It is further well-known to attach such a system to the wheel in the area of the tire inflation valve, or on the valve stem, and Official Notice is given for this feature.

With respect to claim 13, the housing or clip connection can be considered to be a dummy sensor inasmuch as neither is capable of performing a sensing function.

With respect to claims 14-18, it is well-known that the balancing or counterbalancing of a tire and/or wheel is accomplished by selecting a predetermined value for the amount of acceptable imbalance magnitude of total imbalance, and that a pre-selected imbalance may be selected within a range, such as zero, and that such a target value should be attained before the tire and wheel assembly is considered to be ready for use on a vehicle. Further, the magnitude of imbalance such as set forth in claims 16-18 is obvious as an engineering choice based on the intended use of the wheel, or the desired imbalance.

With respect to claim 19, to use the system of Ash in a wheel having a central hump and to locate the valve stem in the hump is well-known and would have been obvious to those of ordinary skill in the art such that the system could be used on different types of wheels.

Claims 1-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shimura et al in view of Pollard.

Shimura et al (U.S. Published Application 2002/0033051) discloses a tire valve and tire monitoring system comprising a valve stem and an assembly having sensors, a transmitter, and battery, wherein the positioning of the assembly may be moved to adjust the center of gravity of the assembly to prevent an imbalanced condition of the system. Clips 15 may be used to secure the valve stem and monitoring system.

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Shimura et al does not locate or balance the monitoring system based on an imbalance of the tire and/or wheel.

Pollard (U.S. Patent 5303463; cited by Applicant) teaches a tire valve stem and balance weight assembly which is used to counterbalance the imbalance of a tire and wheel assembly. See for instance lines 42-51 of column 1, and 27-35 of column 3 of Pollard.

From this teaching it would have been obvious to provide the assembly of Shimura et al with weights attached to the valve stem in order to counterbalance any imbalance of the tire and/or wheel. This would yield the predictable result of providing a better-balanced tire and wheel assembly, and would produce a quieter and more comfortable ride in the vehicle.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The references show other valve stem or balancing weights for wheels.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Russell D. Stormer whose telephone number is (571) 272-6687. The examiner can normally be reached on Monday through Friday, 9 AM to 4 PM.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Morano can be reached on (571) 272-6684. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Russell D. Stormer/

Primary Examiner, Art Unit 3617